

United States District Court		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA v. KENNETH SCHNEIDER		DOCKET NO. FILED 10/29/09 - FILE	
		MAGISTRATE'S CASE NO. 9-1988	
Complaint for violation of Title 18 United States Code §§ 2423(b), 2421			
NAME OF JUDGE OR MAGISTRATE Honorable ELIZABETH T. HEY		OFFICIAL TITLE U.S. Magistrate Judge	LOCATION Philadelphia, PA
DATE OF OFFENSE August 22, 2001	PLACE OF OFFENSE Philadelphia, PA	ADDRESS OF ACCUSED (if known) 832 Darby-Paoli Road Berwyn, PA 19312	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: Defendant, a United States citizen, traveled in foreign commerce for the purpose of engaging in any sexual act (as defined in Section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States in violation of 18 U.S.C. § 2423(b), and transported a person in foreign commerce with the intent that such person engage in any sexual activity for which any person can be charged with a criminal offense in violation of 18 U.S.C. § 2421; that chapter 109A violation and criminal offense, respectively, being that defendant engaged in a sexual act with a person between the ages of 12 and 15 while he himself was at least four years older than the minor victim, in violation of 18 U.S.C. § 2243.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: SEE AFFIDAVIT ATTACHED HERETO.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) Pamela Kirschner <i>Pamela Kirschner</i>	
		OFFICIAL TITLE Special Agent, Federal Bureau of Investigation	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE ⁽¹⁾ Honorable ELIZABETH T. HEY, United States Magistrate Judge		DATE 12/4/09	

1) See Federal Rules of Criminal Procedure rules 3 and 54.

AFFIDAVIT

I, Pamela S. Kirschner, being duly sworn, do hereby depose and state:

I. BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been employed as a Special Agent of the FBI since September 1997. I am currently assigned to the Philadelphia Division, Cyber Crime Squad, working primarily on cases involving online crimes against children, where I have become familiar with the methods and schemes employed by persons who trade and collect child pornography, as well as, the manner in which adults seduce children for hands-on offenses. As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. I make this affidavit in support of an application for a criminal complaint and arrest warrant for KENNETH SCHNEIDER, for violation of Title 18, United States Code, Sections 2423(b), travel with intent to engage in criminal sexual activity, and Title 18, United States Code, Section 2421, transporting a minor to engage in a criminal sexual act, on or about August 22, 2001. The statements contained in this affidavit are based upon my investigation, information provided by other FBI and United States Immigration and Customs Enforcement Special Agents, and on my experience and training as a Special Agent of the FBI.

3. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that KENNETH SCHNEIDER has committed violations of 18 U.S.C. §§ 2423(b) and 2421.

II. APPLICABLE STATUTES

4. During the time period relevant to this Affidavit, which was prior to the Protect Act of 2003, enacted April 30, 2003, Title 18, United States Code, Section 2423(b) made it a crime for a citizen of the United States to travel in foreign commerce for the purpose of engaging in any sexual act (defined in Section 2246) with a person under 18 years of age that would be in violation of Chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States.

5. Chapter 109A, Section 2243 makes it a crime to engage in a sexual act with a person between the ages of 12 and 15 by a perpetrator who is at least four years older. Chapter 109A, Section 2241(c) makes it a crime to engage in a sexual act with a person between the ages of 12 and 15 by the use of force, or by threatening or placing the person in fear of death, serious bodily injury, or kidnapping.

6. Title 18, Section 2421 makes it a crime to transport any individual in foreign commerce with the intent that such individual engage in any sexual activity for which a person can be charged with a criminal offense.

III. DETAILS OF THE INVESTIGATION

7. In August 2008, the Philadelphia Division of the FBI received information regarding KENNETH SCHNEIDER, a United States citizen who has lived for long periods of time overseas. SCHNEIDER had allegedly molested at least one minor Russian boy known as R.Z. over a period of many years beginning in 1998, both in the United States and abroad. Additionally, SCHNEIDER is the listed Founder and President of the "Apogee Foundation," an

arts-related foundation that allegedly provides assistance to children throughout the world who demonstrate aptitude in the fine arts.

8. On October 16, 2008, I interviewed R.Z. concerning the allegations of molestation, which revealed that R.Z. was born in Kazakhstan on March 21, 1986, that both of his parents were ballet dancers, and that he started attending the Moscow State Academy of Choreography (also known as the Bolshoi Academy) in Russia in 1996, at the age of ten. After approximately two years, his parents could not afford to continue paying the approximately 1000 rubles per month for him to stay in the dormitory, and since they lived too far away for him to commute to school, he was withdrawn from the Bolshoi Academy.

9. During the summer of 1998, when R.Z. was 12 years old, two instructors from the Bolshoi Academy, Tatiana and Nikolai Dokukin, brought KENNETH SCHNEIDER, to R.Z.'s home and introduced him as someone who was interested in sponsoring gifted children of the fine arts. Despite the serious reservations of R.Z.'s parents, due to their financial difficulties and their desire for R.Z. to remain at the Bolshoi Academy, arrangements were made for R.Z. to return to the Bolshoi Academy and live at SCHNEIDER's nearby apartment in Moscow, Russia. R.Z. identified SCHNEIDER from his Pennsylvania Driver's License photograph.

10. Beginning approximately one week after R.Z. moved into SCHNEIDER's apartment, when R.Z. was 12 years old, SCHNEIDER began touching R.Z.'s genital area and eventually performed oral sex on R.Z. against R.Z.'s will. SCHNEIDER also told R.Z. that he wanted to help him take a bath. During the bath, SCHNEIDER started touching R.Z.'s penis and pulling down his foreskin in a way that was painful to R.Z. R.Z. told SCHNEIDER that it hurt and asked him to stop but SCHNEIDER continued. Ultimately, SCHNEIDER sodomized R.Z.

SCHNEIDER continued to engage in oral and anal sex with R.Z. over the course of approximately 6 years, from the time that R.Z. was 12 years of age until the time that R.Z. was approximately 18 years of age.

11. SCHNEIDER plied R.Z. with various gifts and also psychologically manipulated him through fear and intimidation. When R.Z. resisted or expressed sadness about the abuse, SCHNEIDER told R.Z. that he should keep things secret because SCHNEIDER would get in trouble and could go to jail. SCHNEIDER added that people would not understand their relationship, and that R.Z.'s future as a ballet dancer would be over because he would have no financial support.

12. In the Summer of 2001, when R.Z. was 15 years old, SCHNEIDER brought R.Z. from Russia to the United States to study ballet at The Rock School in Philadelphia. They stayed at SCHNEIDER's parent's house in Berwyn, Pennsylvania. While in the United States, SCHNEIDER ceased all sexual activity except kissing and touching of the genitals. However, upon departing the United States on approximately August 22, 2001, and returning to Moscow, Russia, all sexual activity between the two resumed, including oral and anal sex. At that time, R.Z. was still 15 years old. SCHNEIDER was 36 years old.

13. I have reviewed credit card statements, official travel records, and school records that corroborate the dates of travel for SCHNEIDER and R.Z., and R.Z.'s attendance at the Bolshoi Academy, his brief withdrawal from the Academy, and his attendance at the Rock School in Philadelphia.


14. On November 17 and 18, 2009, along with Special Agent Emily Arnold of U.S. Immigration and Customs Enforcement, I interviewed R.Z.'s parents in Russia. They

corroborated that they became indebted for unpaid dormitory fees to the Bolshoi Academy in 1998, and confirmed that R.Z. was expelled by the Bolshoi Academy, due to the unpaid debt. They confirmed that two instructors at the Bolshoi Academy, Tatiana and Nikolai Dokukin, brought SCHNEIDER to their apartment to look at their son so that SCHNEIDER could decide if he wanted to offer R.Z. a scholarship. SCHNEIDER was described by the Dokukins as a friend and benefactor to the school. While SCHNEIDER was in their apartment, he took pictures of R.Z. performing different ballet exercises. SCHNEIDER originally offered to give R.Z.'s parents a loan to pay off the outstanding debt and pay the future dormitory costs, but prior to the school year beginning, SCHNEIDER decided it was in R.Z.'s best interest for him to live with SCHNEIDER, instead of the dormitory, and convinced R.Z.'s parents to allow it. Therefore, at age 12, R.Z. returned to the Bolshoi Academy in the Fall of 1998, but lived with SCHNEIDER, not in the dormitory. They confirmed that R.Z. traveled with SCHNEIDER for approximately one month in the summer of 2001 to study ballet in Philadelphia, Pennsylvania. R.Z.'s parents stated that they were worried about their son living with an unknown adult man, but relied on the Dokukins' recommendation and also wanted the best possible ballet education for their son and knew they could not provide it themselves.

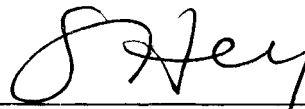
15. On November 16 and 17, 2009, respectively, along with Special Agent Emily Arnold of U.S. Immigration and Customs Enforcement, I interviewed Nikolai and Tatiana Dokukin in Russia. They confirmed that they introduced SCHNEIDER to R.Z.'s parents so that SCHNEIDER could provide financial assistance to allow R.Z. to return to the Bolshoi Academy. They also confirmed that R.Z. lived with SCHNEIDER while he studied at the Bolshoi Academy, and traveled with him, including to the United States.

IV. CONCLUSION

16. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that on or about August 22, 2001, KENNETH SCHNEIDER, born September 28, 1964 in Philadelphia, Pennsylvania, United States Passport Number 039644585, Pennsylvania Driver's License Number 20 585 962, local residence located at 832 Darby-Paoli Road, Berwyn, Pennsylvania 19312, a United States citizen, traveled in foreign commerce for the purpose of engaging in any sexual act (as defined in Section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States in violation of 18 U.S.C. § 2423(b), and transported a person in foreign commerce with the intent that such person engage in any sexual activity for which any person can be charged with a criminal offense in violation of 18 U.S.C. § 2421; that chapter 109A violation and criminal offense, respectively, being that defendant engaged in a sexual act with a person between the ages of 12 and 15 while he himself was at least four years older than the minor victim, in violation of 18 U.S.C. § 2243. I respectfully request the issuance of a warrant for his arrest.


Pamela S. Kirschner, Special Agent
Federal Bureau of Investigation

Sworn to me this 4th
day of December, 2009.


Honorable Elizabeth T. Hey
United States Magistrate Judge